

March 4, 2002

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

850 Union Bank of California Building  
900 Fourth Avenue  
Seattle, Washington 98164  
Telephone (206) 296-4660  
Facsimile (206) 296-1654

**REPORT AND DECISION ON PRELIMINARY PLAT APPLICATION**

**SUBJECT:** Department of Development and Environmental Services File No. **L00P0018**

**THE RAVEN**  
Plat Application

Location: Southwest of Southeast 272<sup>nd</sup> Street and West of 268<sup>th</sup> Avenue Southeast

Applicant: Baker LLC, *represented by*  
**Eric Labrie**  
Barghausen Consulting Engineer  
18215 – 72<sup>nd</sup> Avenue South  
Kent, WA 98032

King County: Department of Development and Environmental Services  
Current Planning, *represented by*  
**Kim Claussen**  
900 Oakesdale Avenue SW  
Renton, WA 98055-1219  
Telephone: (206) 296-7167  
Facsimile: (206) 296-7051

**SUMMARY OF DECISION/RECOMMENDATION:**

Department's Preliminary Recommendation:	Approve, subject to conditions
Department's Final Recommendation:	Approve, subject to conditions
Examiner's Decision:	Approve, subject to conditions

**EXAMINER PROCEEDINGS:**

Hearing Opened:	February 26, 2002
Hearing Closed:	February 26, 2002

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

#### ISSUES/TOPICS ADDRESSED:

- Water supply
- Wildlife
- Street tree requirements

#### SUMMARY:

The preliminary plat application is approved, subject to conditions.

**FINDINGS, CONCLUSIONS & DECISION:** Having reviewed the record in this matter, the Examiner now makes and enters the following:

#### FINDINGS:

##### 1. **General Information:**

Owner/Developer:	Alice Watkins Baker LLC 31621 West Lake Martin SE Kent, WA 98042
Engineer:	Barghausen Consulting Engineers Attn.: Eric LaBrie 18215 72 <sup>nd</sup> Avenue South Kent, WA 98032 (425) 251-6222
STR:	25-22-06
Location:	The site lies southwest of SE 272 <sup>nd</sup> street and west of 268 <sup>th</sup> Avenue SE
Zoning:	RA-5
Acreage:	35.56 acres
Number of Lots:	7
Density:	one unit per five acres
Lot Size:	Ranges from approximately 4.9 acres to 5.13 acres
Proposed Use:	Single-family detached dwellings
Sewage Disposal:	Individual on-site septic
Water Supply:	Individual wells or Covington Water District
Fire District:	King County District #43
School District:	Tahoma
Complete Application Date:	August 8, 2000

2. Except as modified herein, the facts set forth in the King County Land Use Services Division's (LUSD) preliminary report to the King County Hearing Examiner for the February 26, 2002, public hearing are found to be correct and are incorporated herein by reference. The LUSD staff recommends approval of the application, subject to conditions.
3. Baker, LLC has submitted a preliminary plat application to subdivide 35.56 acres in the RA-5 zone into seven single-family lots. The property is located on the south side of the Kent-Kangley Road near Ravensdale, just east of the City of Kent watershed. The property is a commercial tree farm that is forested with a ten-year old stand of Douglas fir. Rock Creek, a class 2 stream with salmonids, crosses the plat's southwest and northwest corners.
4. The Applicant originally proposed to serve the seven new lots with individual wells. Due to the possible loss of base flows to Rock Creek, this aspect of the proposal was opposed by the City of Kent, the Covington Water District and the Subdivision Technical Committee. The property is within the service area for the Covington Water District, and a certificate of water availability has been issued for the proposal. The Applicant has agreed to hook up to the Covington Water District service, and a condition to such effect as been added to the plat approval. The City of Kent has also requested a plat note informing lot purchasers of the existence of the City's wellhead protection area to the northwest. The condition requiring that note appears as no. 19.
5. The Applicant has requested a modification of condition no. 17 requiring street trees along road frontages. The Applicant points out that Douglas firs currently are planted along the plat's exterior boundaries and will not be removed during plat development. Condition no. 17 has been modified to only apply to the plat's internal roads.
6. The Applicant's wildlife report documents extensive use of the site by Roosevelt elk, a State-listed priority species. The wildlife report contains the following observation:

“Habitat connectivity and circuitry within the project's site and to adjacent properties is high. Habitat circuitry is provided by existing logging roads and wildlife trails. The proposed change in land use is from forestland to rural residential. . . . The impacts to each created parcel will be clearing for residences and roadways. Development is light on a adjacent properties. Elk trails are present on the subject property. Survey line brushing has created new elk trails and pathways for wildlife movement.”
7. The wildlife report contains three habitat recommendations: first, that wetlands and streams should be protected; second, that significant forest cover should be retained as habitat on individual lots; and third, that wildlife corridor trails from wetland no. 2 to the main channel of Rock Creek should be provided.

The regulatory stream corridors will provide protection to wetlands and streams, and the Applicant does not plan site clearing beyond that necessary for development of roads, utilities and individual building sites. No conditions under SEPA authority have been provided for retention of on-site wildlife corridor trails. Plat development will likely displace east/west movement of elk along an old gravel logging road, but north/south movement along the site's western boundary should survive plat development.

**CONCLUSIONS:**

1. If approved subject to the conditions imposed below, the proposed subdivision makes appropriate provision for the public health, safety and welfare; serves the public use and interest; and meets the requirements of RCW 58.17.110.
2. The conditions of approval imposed herein, including dedications and easements, will provide improvements that promote legitimate public purposes, are necessary to serve the subdivision and are proportional to its impacts; are required to make the proposed plat reasonably compatible with the environment; and will carry out applicable state laws and regulations and the laws, policies and objectives of King County.

**DECISION:**

The preliminary plat application for The Raven, as revised and received on August 28, 2001, is APPROVED, subject to the following conditions of final approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density requirements of the RA-5 zone classification. All lots shall meet the minimum dimensional requirements of the RA-5 zone classification or shall be as shown on the face of the approved preliminary plat, whichever is larger, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
4. The applicant must obtain final approval from the King County Health Department for individual septic systems.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS).
6. The applicant must obtain the approval of the King County Fire Protection Engineer certifying the adequacy of the fire hydrant, water main, and fire flow to meet the standards of Chapter 17.08 of the King County Code.

If all lots are 35,000 square feet in size or more, or if the subdivision is outside an Urban Growth Area and is developed at a density no greater than one residential building lot per five (5) acres, or a cluster development outside an Urban Growth Area with lots under 35,000 square feet in size and offsetting permanent open space and is developed at a density no greater than one residential building lot per five (5) acres, the subdivision is exempt per KCC 17.08.030.

7. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval, which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.
  - a. Drainage plans and analysis shall comply with the 1998 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
  - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
  - c. The following note shall be shown on the final recorded plat:

" All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings #\_\_\_\_\_ on file with DDES and/or the Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with the plans on file."
8. The stormwater drainage facility for this subdivision shall be designed according to the 1998 King County Surface Water Design Manual(KCSWDM). The proposed facility is an infiltration pond. The 100-year overflow route from this pond shall be shown on the engineering plans. A drainage easement for the 100-year overflow route shall be shown on the final plat.
9. Individual lot stormwater infiltration is proposed for the lots within this development. A proposed typical design of the lot infiltration system shall be shown on the engineering plans. Appropriate geotechnical evaluation shall also be provided at engineering plan submittal for the lot infiltration design as required by the KCSWDM. The KCSWDM requires at least one soil log per lot at the location of the proposed infiltration system.

The individual lot infiltration systems shall be constructed under the building permit issuance. The following note shall be placed on the final plat: "Individual lot stormwater infiltration for the lots shall be designed and located at building permit submittal. These systems shall be designed according to the 1998 King County Surface Water Design Manual."
10. The following road improvements are required to be constructed according to the 1993 King County Road Standards(KCRS):
  - a. Roads A and B shall be improved to the rural minor access street standard. FRONTAGE: The frontage along 268<sup>th</sup> Ave. SE (west side only) shall be improved to the rural neighborhood collector street standard. Thirty (30) feet of additional R/W along 268<sup>th</sup> Ave. SE shall be dedicated with the final plat.

The frontage along SE 272<sup>nd</sup> St. (southerly side only) shall be improved to the rural minor arterial street standard. Twelve (12) feet of additional R/W along SE 272<sup>nd</sup> St. shall be dedicated with the final plat.

- b. There shall be no direct vehicular access to or from SE 272<sup>nd</sup> (aka Kent-Kangley) or 268<sup>th</sup> Ave. SE from abutting lots. A note to this effect shall appear on the engineering plans and final plat.
  - c. Lots shall have undivided ownership of Roads A and B and be responsible for their maintenance. A note to this effect shall be placed on the engineering plans and final plat.
  - d. Modifications to the above road conditions may be considered according to the variance provisions in Section 1.08 of the KCRS.
8. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
9. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
10. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
14. The planter islands (if any) within the cul-de-sacs shall be maintained by the abutting lot owners or homeowners association. This shall be stated on the face of the final plat.
15. Preliminary plat review has identified the following specific sensitive areas requirements which apply to this project. All other applicable requirements from KCC 21A.24 shall also be addressed by the applicant.
- a. The Class 2/s streams shall have a minimum 100-foot buffer of undisturbed vegetation as measured from the ordinary high water mark.
  - b. The two streams are also King County-designated wildlife corridors. The wildlife corridor buffers may be a minimum of 150 feet wide or 75 feet on either side of the stream and placed within a Tract(s).

- c. Buffer width averaging may be allowed for by King County if it will provide additional protection to streams/wetlands or enhance their functions, as long as the total area contained in the buffer on the development proposal site does not decrease. To ensure such functions are enhanced a mitigation plan would be required for the remaining on-site sensitive areas. An enhancement plan, if needed, would be submitted for review during final engineering review.
- d. Sensitive area tract(s) shall be used to delineate and protect sensitive areas and buffers in development proposals for subdivisions and shall be recorded on all documents of title of record for all affected lots.
- e. A 15-foot BSBL shall be established from the edge of buffer and/or the sensitive areas tract(s) and shown on all affected lots.
- f. A financial guarantee/bond will be required for any proposed mitigation of sensitive areas. The bond amount would include all components of the mitigation plan including, but not limited to, plantings, grading, fencing, signs, inspections, and monitoring for five years.
- g. Prior to commencing construction activities on the site, the applicant shall mark sensitive areas tract(s) in a highly visible manner, and these areas must remain so marked until all development proposal activities in the vicinity of the sensitive areas are completed.
- h. Prior to final approval of construction activities on the site, the boundary between the sensitive area tract(s) and adjacent land shall be identified using permanent signs. Sign specifications shall be shown on final engineering plans.
- i. Prior to final recording and or during final engineering review, the plan set shall be routed to the sensitive areas group for review and approval.
- j. The following note shall be shown on the final engineering plan and recorded plat:

**RESTRICTIONS FOR SENSITIVE AREA TRACTS AND SENSITIVE  
AREAS AND BUFFERS**

Dedication of a sensitive area tract/sensitive area and buffer conveys to the public a beneficial interest in the land within the tract/sensitive area and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The sensitive area tract/sensitive area and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/sensitive area and buffer the obligation, enforceable on behalf of the public by King County, to leave undisturbed all trees and other vegetation within the tract/sensitive area and buffer. The vegetation within the tract/sensitive area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County Department of Development and Environmental Services or its successor agency, unless otherwise provided by law.

The common boundary between the tract/sensitive area and buffer and the area of development activity must be marked or otherwise flagged to the satisfaction of King County prior to any clearing, grading, building construction or other development activity on a lot subject to the sensitive area tract/sensitive area and buffer. The required marking or flagging shall remain in place until all development proposal activities in the vicinity of the sensitive area are completed.

No building foundations are allowed beyond the required 15-foot building setback line, unless otherwise provided by law.

16. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation, open space and/or sensitive area tract(s).
17. Street trees shall be provided on the internal plat roads as follows (per KCRS 5.03 and KCC 21A.16.050):
  - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along all roads. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
  - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
  - c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
  - d. The trees shall be owned and maintained by the abutting lot owners *or* the homeowners association or other workable organization unless the County has adopted a maintenance program. Ownership and maintenance shall be noted on the face of the final recorded plat.
  - e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
  - f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
  - g. The applicant shall contact Metro Service Planning at 684-1622 to determine if SE 272<sup>nd</sup> Street and/or 268<sup>th</sup> Ave. SE is on a bus route. If either road is on a bus route, the street tree plan shall also be reviewed by Metro.



- h. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.
  - i. A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.
- 18. The lots shall be served by public water provided by the Covington Water District.
- 19. The following note shall be placed on the face of the final plat:

“The plat of The Raven is located within a Wellhead Protection Area. The use of pesticides and fertilizers should be limited. For more information on how to protect groundwater resources, call the City of Kent Public Works Department at (253) 856-5500 or the Covington Water District at (253) 631-0565.”

ORDERED this 4th day of March, 2002.

---

Stafford L. Smith  
King County Hearing Examiner

TRANSMITTED this 4th day of March, 2002, to the parties and interested persons of record:

Barghausen Consulting Engr., Inc.  
18215 - 72nd Ave. S.  
Kent WA 98032

Joan Burlingame  
P.O. Box 720  
Ravensdale WA 98051-0720

Bonnie & Gary Cave  
26805 - 262nd SE  
Ravensdale WA 98051

John E. Cramer  
Cramer NW Inc.  
945 N. Central  
Kent WA 98032

Roger Dorstad  
Evergreen East Realty  
PO Box 375  
Redmond WA 98073

C. Fleek  
P.O. Box 2484  
Cordova AK 99574

Bill Kombol  
P.O. Box 10  
Black Diamond WA 98010

Eric LaBrie  
Barghausen Engineering  
18215 - 72nd Avenue South  
Kent WA 98032

Linda Matlock  
WA St. Dept. of Ecology  
P O Box 47696  
Olympia WA 98504-7696

John McCann  
28217 - 305th Ave. SE  
Ravensdale WA 98051

Eleanor Moon  
King County Executive Horse Council  
12230 NE 61st  
Kirkland WA 98033

Judy Nelson  
Covington Water District  
18631 SE 300th PI  
Kent WA 98042

New Home Trends  
18912 N Creek Parkway #211  
Bothell WA 98011

Kelly Peterson  
City of Kent  
220 Fourth Avenue S  
Kent WA 98032-5895

Seattle-King County Health Dept  
East District Environmental Health  
14350 SE Eastgate Way  
Bellevue WA 98007

Alice Watkins  
Baker LLC  
31621 W. Lake Martin SE  
Kent WA 98042

Don Wickstrom  
City of Kent Public Works  
220 - 4th Avenue South  
Kent WA 98032-5895

Greg Borba  
DDES/LUSD  
MS OAK-DE-0100

Kim Claussen  
DDES/LUSD  
Current Planning  
MS OAK-DE-0100

Nick Gillen  
DDES/LUSD  
Site Development Services  
MS OAK-DE-0100

Kristen Langley  
KCDOT  
Roads Division  
MS KSC-TR-0222

Carol Rogers  
LUSD/CPLN  
MS OAK-DE-0100

Steve Townsend  
DDES/LUIS  
Land Use Inspections  
MS OAK-DE-0100

Larry West  
LUSD/SDSS  
Wetland Reviewer  
MS OAK-DE-0100

Bruce Whittaker  
DDES/LUSD  
Engineering Review  
MS OAK-DE-0100

### NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) ***on or before March 18, 2002***. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council ***on or before March 25, 2002***. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Court-house, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE FEBRUARY 26, 2002 PUBLIC HEARING ON DEPARTMENT OF  
DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO: L00P0018

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing and representing the Department was Kim Claussen and Bruce Whittaker. Participating in the hearing and representing the Applicant was Eric LaBrie of Barghausen Consulting Engineers. Other participants in this hearing were Judy Nelson, Covington Water District, and Kelly Peterson, City of Kent.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 Department of Development and Environmental Services File No. L00P0018
- Exhibit No. 2 Department of Development and Environmental Services Preliminary report, dated February 26, 2002.
- Exhibit No. 3 Application, dated August 8, 2000
- Exhibit No. 4 Environmental checklist, dated August 8, 2000
- Exhibit No. 5 Declaration of non-significance, dated December 21, 2001
- Exhibit No. 6 Affidavit of Posting indicating September 19, 2000 as date of posting and September 21, 2000 as the date the affidavit was received by the Department of Development and Environmental Services. *Notice of Application*
- Exhibit No. 7 Plat map, dated August 28, 2001 (revision)
- Exhibit No. 8 Land Use Map E & W 25-22-06 and E & W 36-22-06
- Exhibit No. 9 Assessor Maps SW 25-22-06
- Exhibit No. 10 Level 1 Drainage Analysis by Barghausen, dated August 7, 2000
- Exhibit No. 11 Wetland Assessment by JS Jones & Assoc., dated March 10, 2000
- Exhibit No. 12 Wildlife Habitat Study by JS Jones & Assoc., dated March 28, 2000
- Exhibit No. 13 Geotech Study by GeoEngineers, dated November 13, 2000
- Exhibit No. 14 Addendum Geotech Study by GeoEngineers, dated August 15, 2001
- Exhibit No. 15 Preliminary Road & Drainage Plan map (Conceptual Drainage Plan) (revised) by Barghausen, dated Aug. 28, 2001
- Exhibit No. 16 Certificate of Water Availability – Covington Water Dist., dated Dec. 14, 2000
- Exhibit No. 17 Health Approval, dated July 3, 2000
- Exhibit No. 18 Letters from the City of Kent to Ms. Claussen, dated Oct. 31, 2000 & Dec. 14, 2000
- Exhibit No. 19 Letter from Covington Water District to Hearing Examiner, dated Feb. 26, 2002
- Exhibit No. 20 New condition no. 18